

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Wednesday, March 5, 1969

Senate called to order by the President.

Prayer by Rev. Victor P. Musk of Augusta.

Reading of the Journal of yesterday.

Papers From the House Non-concurrent Matters

Resolve Proposing an Amendment to the Constitution Pledging Credit of State for Loans of Maine School Building Authority. (S. P. 97) (L. D. 307)

In the Senate February 19, 1969, Passed to be Engrossed.

Comes from the House, referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

(On motion by Mr. Katz of Kennebec, tabled pending consideration.)

Bill, "An Act Relating to Exemption of Certain Neat Cattle from Personal Property Taxation." (S. P. 116) (L. D. 327)

In the Senate February 26, 1969, Passed to be Engrossed as Amended by Committee Amendment "A" (S-15).

Comes from the House, Passed to be Engrossed as Amended by Committee Amendment "A" (S-15) and House Amendment "A" (H-80), in non-concurrence.

Thereupon, the Senate voted to Recede and Concur.

House Papers

Bills and Resolves today received from the House requiring Reference to Committees were acted upon in concurrence, with the following exceptions:

Bill, "An Act Relating to the Division of the State into Regions for the Purpose of Regional Development" (H. P. 829) (L. D. 1068)

Comes from the House referred to the Committee on Natural Resources and Ordered Printed.

On motion by Mr. Moore of Cumberland, referred to the Committee on Industrial and Recreational Development and Ordered Printed in non-concurrence.

Sent down for concurrence.

Senate Papers Appropriations and Financial Affairs

Mr. Reed of Sagadahoc presented Bill, "An Act to Authorize General Fund Bond Issue in Amount of Five Million Dollars for Planning, Construction and Equipment of Pollution Abatement Facilities." (S. P. 343) (L. D. 1209)

Which was referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Sent down for concurrence.

Education

Mr. Berry of Cumberland presented Bill, "An Act Relating to Minimum School Year." (S. P. 344) (L. D. 1210)

Mr. Levine of Kennebec presented Bill, "An Act Providing Free Tuition at State Colleges for Students from Low Income Families." (S. P. 345) (L. D. 1211)

Which were referred to the Committee on Education and Ordered Printed.

Sent down for concurrence.

Health and Institutional Services

Mr. Conley of Cumberland presented Bill, "An Act to Provide for the Registration of Professional Social Workers." (S. P. 346) (L. D. 1212)

Which was referred to the Committee on Health and Institutional Services and Ordered Printed.

Sent down for concurrence.

Inland Fisheries and Game

Mr. Reed of Sagadahoc presented Bill, "An Act Regulating Sunday Hunting." (S. P. 347) (L. D. 1213)

Which was referred to the Committee on Inland Fisheries and Game and Ordered Printed.

Sent down for concurrence.

Judiciary

Mr. Stuart of Cumberland presented Bill, "An Act Relating to Publication of Foreclosure Notices." (S. P. 348) (L. D. 1214)

Mr. Berry of Cumberland presented Bill, "An Act Creating the Uniform Anatomical Gift Act." (S. P. 349) (L. D. 1215)

Which were referred to the Committee on Judiciary and Ordered Printed.

Sent down for concurrence.

Natural Resources

Mr. Berry of Cumberland presented Bill, "An Act Creating the Water Development Authority." (S. P. 350) (L. D. 1216)

Which was referred to the Committee on Natural Resources and Ordered Printed.

Sent down for concurrence.

Public Utilities

Mr. Violette of Aroostook presented Bill, "An Act Creating the Maine Power Commission." (S. P. 351) (L. D. 1217)

Which was referred to the Committee on Public Utilities and Ordered Printed.

Sent down for concurrence.

State Government

Mr. Stuart of Cumberland presented Bill, "An Act to Create a State Housing Authority." (S. P. 352) (L. D. 1219)

The same Senator presented Bill, "An Act Revising County Government." (S. P. 353) (L. D. 1218)

Which were referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

Towns and Counties

Mr. Greeley of Waldo presented Bill, "An Act Increasing Salaries of County Officials of Waldo County." (S. P. 354) (L. D. 1220)

Which was referred to the Committee on Towns and Counties and Ordered Printed.

Sent down for concurrence.

Committee Reports

House

Ought Not to Pass

The Committee on Towns and Counties on Bill, "An Act Relating to Setting Salaries of All County Officials Except County Commissioners and County Attorneys." (Emergency) (H. P. 22) (L. D. 25)

Reported that the same Ought not to Pass.

The Committee on Education on Bill, "An Act Relating to Leaves of Absence of Teachers and Principals." (H. P. 273) (L. D. 349)

Reported that the same Ought Not to Pass.

The Committee on Legal Affairs on Bill, "An Act Increasing Compensation of Members of Augusta City Council." (H. P. 570) (L. D. 751)

Reported that the same Ought Not to Pass.

Come from the House, the reports Read and Accepted.

Which reports were Read and Accepted in concurrence.

Ought to Pass

The Committee on Industrial and Recreational Development on Bill, "An Act Repealing Law Providing for Economic and Recreational Development in Oxford County." (H. P. 166) (L. D. 205)

Reported that the same Ought to Pass.

The Committee on Industrial and Recreational Development on Bill, "An Act Relating to Reports of the Managers of the Maine Industrial Building Authority and the Maine Recreation Authority." (H. P. 189) (L. D. 229)

Reported that the same Ought to Pass.

The Committee on Industrial and Recreational Development on Bill, "An Act Relating to Definition of Industrial Project Under Industrial Building Authority Act." (H. P. 327) (L. D. 414)

Reported that the same Ought to Pass.

The Committee on Public Utilities on Bill, "An Act Reducing the Membership of the Board of Trustees of Richmond Utilities District." (Emergency) (H. P. 482) (L. D. 636)

Reported that the same Ought to Pass.

The Committee on Education on Bill, "An Act to Permit Reapportionment of School Directors in a School Administrative District by Request." (H. P. 425) (L. D. 549)

Reported that the same Ought to Pass.

Comes from the House, the report Read and Accepted and the Bills Passed to be Engrossed.

Which were Read and Accepted in concurrence, the Bills Read Once and tomorrow assigned for Second Reading.

(Senate at Ease)

Called to order by the President.
Divided Report

The Majority of the Committee on Legal Affairs on Bill, "An Act Relating to the Sale of Fireworks." (H. P. 284) (L. D. 360)

Reported that the same Ought to Pass.

(Signed)

Senators:

CONLEY of Cumberland

TANOUS of Penobscot

Representatives:

CUSHING of Bucksport

BAKER of Orrington

SHAW of Chelsea

NORRIS of Brewer

COTE of Lewiston

COX of Bangor

The Minority of the same Committee on the same subject matter reported that the same Ought Not to Pass.

(Signed)

Senator:

KELLAM of Cumberland

Representative:

WHEELER of Portland

Comes from the House, the Majority Ought to Pass Report Read and Accepted, and the Bill Indefinitely Postponed.

Which reports were Read.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President, on House Paper 284, Legislative Document 360, I move that we accept the Majority Ought to Pass Report.

The PRESIDENT: The Senator from Penobscot, Senator Tanous, moves that the Senate accept the Majority Ought to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: This bill relating to fireworks has been in several times before, and I guess maybe some people have very strong feelings about the bill and would like to allow children to shoot off firecrackers for a few days in the summertime.

But at the hearing on this bill it was pointed out by all of the

people involved with fire safety and safety in general that they thought it was detrimental to the health and welfare of the State of Maine to permit the general use of fireworks.

Fireworks are now not in use, I believe, in any state north of Virginia and, of course, they do allow some firecrackers in Canada. So, I think it would be detrimental to the State to permit the use of even what they call "Class C" firecrackers because it is quite obvious that, regardless of the intensity of the fireworks themselves, it does require an igniting process in order to have the firecrackers explode, and this means the use of matches and there have been many very serious fires started by virtue of the use of firecrackers.

So I would move at this time that the bill and its accompanying papers be indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Kellam, moves that Item 6-9, Legislative Document 360 be indefinitely postponed. Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY OF Cumberland: Mr. President, I would request a division on the motion.

The PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President, I am certainly not prepared to debate this, but it seems to me this subject of fireworks, which is so close to the hearts of those of us who grew up in those days when the Fourth of July really was the Fourth of July, should be explained more fully before we are asked to commit ourselves on the subject.

I have in mind that one of the employees of the State, one of the foremost employees of the State, a medical doctor, has been in favor of this bill in the past for its therapeutic effect on people who have to blow off steam in some way or other.

Can't we have more information before we are called upon to commit ourselves on this bill?

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: This bill was presented before the Legal Affairs Committee, of which I am Chairman, and as Senator Mills has requested, there were arguments that were fully presented on both pros and cons. I feel that we have a very qualified Committee on Legal Affairs, and I think that the Committee went into this particular bill in great detail in the questions of the various proponents and opponents.

This legislation would permit us to legalize the use of Class C firecrackers as approved by the Federal Government. Now there has been an extensive study carried on, I am sure, by the Federal Government pertaining to this type of firecracker as I am sure that it involves the health and welfare of everybody in this country. And the Federal Government has come out in favor of legalizing this type of a firecracker, going so far as to say that they are not injurious or harmful to the health and welfare of our people. I would feel that we should definitely take into consideration such a report.

I know that many people will oppose this firecracker law principally based on the firecrackers that we had in our surroundings fifteen or twenty years ago. We can't begin to compare the firecracker that is proposed here today with the ones that we used back in the 30s and 40s. There is absolutely no comparison between these two firecrackers.

It has been shown that this Class C firecracker is harmless. Like anything else, it could be harmful if not used properly. Then again, don't we subject our children to many dangerous things in everyday occurrences? Don't we permit them to drive in automobiles? I am sure you will all agree that in many instances driving in an automobile is quite dangerous and hazardous, and yet do we stop them from participating in this? My children all enjoy skiing, but this can be very dangerous, and yet I don't deny them the right

of skiing, nor do I deny them the right of swimming or any other sport that could be considered dangerous if not handled properly.

Personally, I feel that if we enact this, and we do have responsible parents, I don't see what harm we could cause to our children by the enactment of this legislation. I personally feel that we would be bringing back to our children what we as adults, I think, really enjoyed back in the 30's and 40's as a real Fourth of July. I think we should bring back those days to our children so that they may enjoy some of the joy that we had when we were children.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: I don't know how the good chairman conducts his committee but over in the Judiciary Committee we believe in research and study of matters that can be developed through laboratory techniques and that sort of thing.

Some of the members of the committee will recall that last year we had a very controversial measure before us — and I am not trying to set the Judiciary Committee up as an example or anything of that kind, but we did have a very important measure before us two years ago, and we have got it again with us this year and we look forward to research on the subject before we make deliberative answers to this body and the other body as to what ought to be done in the area. That was the implied consent bill, and we held it off for a long time until there had been research and study of the apparatus reported upon and laboratory work done, and even members of the committee consented to be guinea pigs to test the devices.

Now, I wonder how much your committee has done. What is a "Class C" firework? Is it a firecracker half an inch long? Or under what controlled conditions? You say the Federal Government says it is all right. Of course, that goes a long way toward convincing

me that we better look into it a second time. But I think the committee ought to have heard this firecracker and ought to have seen it in action before coming here before this deliberative body and saying that it is O.K. Just telling us that Washington says it is all right, I don't think is adequate. Can't you tell us some more about Class C fireworks?

My position is going to be to keep the bill alive at this time, certainly, until we know more about Class C fireworks.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS of Penobscot: Mr. President and Members of the Senate: Since these firecrackers are presently illegal in the State of Maine, I don't have any to demonstrate.

We did receive a substantial report from the proponents on this bill, which report was put out by the Federal Government. Every member of the Committee had an opportunity to study it, and it gave the component parts of each one of the firecrackers which are categorized under this "C" grouping. Frankly, I was convinced that they weren't of such a high velocity that it would cause any great harm to any individual, if used properly. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY of Cumberland: Mr. President and Members of the Senate: I rise in support of the fine Senator from Penobscot, Senator Tanous, on his motion to accept the Majority Ought to Pass Report.

It is no secret to any member of the Senate here that Senator Tanous is the father, I believe, of seven children, and I am the father of ten children. I am certainly sure that he and I are both very much concerned with the safety of our children. And I think that the remarks made by the Senator from Franklin, Senator Mills, in reference to the old days of the Fourth of July — I can remember my childhood, and I can remember explicitly my brothers and sisters

and my parents, and how we celebrated the Fourth of July back in those days, and it was a day long remembered, and one that I think is missed by most of us today.

The gentleman in the other branch of the Legislature who apparently seemed to be quite concerned about these fireworks was a retired Captain of the Portland Fire Department, and naturally he is prone to any type of instrument that would lead into the eventuality of a burning building or the burning of one's self by harmful negligence probably brought on by a person. I am concerned with the fact that he is concerned with the safety of children and the possibilities, but as to classification, he gave some indication as to what Class C fireworks are, as stated in the Journal, or rather yesterday's blanket. He states that "Class C fireworks, as established by the Interstate Commerce Commission, includes firecrackers containing two or less grains of explosive mixture and such other devices as sky rockets, ten - ball Roman candles, sparklers, pinwheels, colored fountains," and several other items that are mentioned here.

I would state very briefly that I believe it was back in the 102nd Legislature that the now Majority Leader of this branch sponsored a Class C firecracker bill that was eventually passed by both houses of that Legislature and was vetoed by Governor Reed. I recall also that at the time the bill was being presented before both branches that there was a display of these Class C fireworks present in the rotunda right outside here between both branches, the rotunda of the Capitol. I don't know if it would be possible for us to obtain another display of these Class C fireworks, but I am sure that Dr. Schumacher was responsible, and Senator Katz, at that time for having the display present.

I think if we could accept the Majority Report and eventually have this tabled, and then perhaps get a display present, so we could all get a better and more clear understanding as to what they are.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: I would readily admit that the Class C fireworks as established by the U.S. Government are a rather small type of explosive device. I don't feel that the relegating it to a category by the Federal Government necessarily means there is any authority given to use them. It is just that they have to categorize them as A, B and C, and I suppose they may have D, E and F. But I have checked into what does constitute a Class C firecracker, and it is a fairly small firecracker.

Unfortunately, regardless of what the size of the firecracker is, it does require a flame to have it go off and, regardless of the size that is permitted I believe that if an excessive size was used, the knowledge that it was used comes at a time when the device itself has been destroyed, which might affect any police work in relation to the use of excessive explosives.

I only object to it for the fact that I think it is a matter of safety, and we shouldn't encourage any more fires than we absolutely have to live with.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Hoffses.

Mr. HOFFSES of Knox: Mr. President, I move that this matter lie upon the table until next Wednesday, March 12th.

The PRESIDENT: The Senator from Knox, Senator Hoffses, moves that Bill, "An Act Relating to the Sale of Fireworks," be placed on the table and specially assigned for March 12th. Is this the pleasure of the Senate?

The motion prevailed and the Bill was so tabled, pending the motion by Mr. Kellam of Cumberland that the Bill and accompanying papers be Indefinitely Postponed.

Senate

Ought to Pass - As Amended

Mr. Hoffses for the Committee

on Inland Fisheries and Game on Bill, "An Act Relating to Wild Animals in Captivity." (S. P. 221) (L. D. 661)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-23).

Which report was Read and Accepted and the Bill Read Once. Committee Amendment "A" (S-23) was Read and Adopted and the Bill, as Amended, tomorrow assigned for Second Reading.

Ought to Pass in New Draft

Mr. Hoffses for the Committee on Inland Fisheries and Game on Bill, "An Act Relating to Shooting Domestic Animals While Hunting." (S. P. 163) (L. D. 538)

Reported that the same Ought to Pass in New Draft under New Title: "An Act Relating to Shooting Domestic Animals or Birds While Hunting."

Which report was Read and Accepted and the Bill, in New Draft, Read Once and tomorrow assigned for Second Reading.

Second Readers

The Committee on Bills in the Second Reading reported the following:

House

Bill, "An Act Relating to Compensation of Patients and Inmates at State Institutions." (H. P. 431) (L. D. 555)

Which was read a Second Time and Passed to be Engrossed in concurrence.

House - As Amended

Bill, "An Act to Permit the Use of Driggers in Parts of Sheepscot Bay During the Month of February." (Emergency) (H. P. 20) (L. D. 23)

Bill, "An Act Relating to Age of Dogs for Licensing Purposes." (H. P. 206) (L. D. 256)

Bill, "An Act Relating to State Employees' Suggestion Awards Board and Providing Funds to Activate the Awards Program." (Emergency) (H. P. 208) (L. D. 258)

Bill, "An Act to Grant a Council - Manager Charter to the Town of Orono." (H. P. 340) (L. D. 459)

Bill, "An Act Relating to Registration and Licensing of Dogs on Indian Reservations." (H. P. 366) (L. D. 476)

Bill, "An Act to Grant Certain Changes in the Government of the Town of Sanford." (H. P. 194) (L. D. 248)

(On motion by Mr. Letourneau of York, tabled pending Passage to be Engrossed.)

Which were Read a Second Time and, except for the tabled matter, Passed to be Engrossed, as Amended, in concurrence.

Senate

Bill, "An Act Regulating Atlantic Salmon Fishing in Maine Rivers." (S. P. 67) (L. D. 189)

Bill, "An Act to Increase the Retirement Pay of Certain Retired State Police Sergeants." (Emergency) (S. P. 214) (L. D. 623)

(On motion by Mr. Wyman of Washington, temporarily set aside.)

Bill, "An Act Relating to Amount of Property Held by Coburn Classical Institute." (S. P. 244) (L. D. 753)

Which were read a Second Time and, except for the matter set aside, Passed to be Engrossed.

Sent down for concurrence.

On the matter previously set aside at the request of Mr. Wyman of Washington, Bill, "An Act to Increase the Retirement Pay of Certain Retired State Police Sergeants." (Emergency) (S. P. 214) (L. D. 623), the same Senator presented Senate Amendment "A" and moved its adoption.

The PRESIDENT: The Chair recognizes the Senator from Washington, Senator Wyman.

Mr. WYMAN of Washington: Mr. President and Members of the Senate: Briefly this corrects a couple of small errors. The Attorney General's office suggested these corrections.

Thereupon, Senate Amendment "A", Filing No. S-25, was Read and Adopted and the Bill, as Amended, Passed to be Engrossed.

Sent down for concurrence.

Senate - As Amended

Bill, "An Act Relating to the Preparation of Voting Lists." (S. P. 205) (L. D. 614)

Which was Read a Second Time and Passed to be Engrossed, as Amended.

Sent down for concurrence.

Enactors

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

An Act Relating to Notice of Suspension of Revocation of Motor Vehicle Operators' License. (S. P. 57) (L. D. 165)

An Act Relating to the Advisory Board of Review of Operators' License Control Procedures. (S. P. 114) (L. D. 325)

An Act Eliminating Dedicated Funds from Stuffed Toy Law. (S. P. 144) (L. D. 435)

An Act Ratifying Easement Conveyed by the State of Maine to the Bangor Water District. (S. P. 146) (L. D. 427)

An Act Relating to Application for New Motor Vehicle Registration Plates and Issuance of Temporary Facsimile Plates. (S. P. 154) (L. D. 437)

An Act Relating to Jurisdiction of Administrative Hearing Commissioner of Violations of Liquor Laws. (S. P. 213) (L. D. 621)

An Act Relating to Privileges and Appurtenances in Short Form Deeds. (H. P. 37) (L. D. 38)

An Act Relating to Revocation of Certain Licenses Under Fish and Game Laws. (H. P. 93) (L. D. 102)

An Act Relating to Fire Protection for Township 8, S. D. (H. P. 200) (L. D. 247)

An Act Providing Reimbursement for High School Diploma Programs in Maine's General Adult Evening Schools. (H. P. 215) (L. D. 265)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act Relating to Sick Leave for Teachers Assistants and Aides. (H. P. 221) (L. D. 271)

An Act Relating to Payment to Commissioner of Agriculture of Dog License Fees. (H. P. 253) (L. D. 329)

An Act Relating to List and Salaries of Employees of School Department of City of Auburn. (H. P. 268) (L. D. 344)

An Act Relating to Use of School Buildings. (H. P. 269) (L. D. 345)

An Act Increasing Fee for Motor Vehicle Duplicate Licenses. (H. P. 304) (L. D. 380)

An Act Relating to Filing Campaign Reports. (H. P. 323) (L. D. 410)

An Act Relating to Minor Children Committed to State Custody. (H. P. 324) (L. D. 411)

An Act Permitting Transfer of Property to Monument Lodge Association. (H. P. 341) (L. D. 449)

An Act Relating to the Capital Stock of Oakland Water Company. (H. P. 346) (L. D. 453)

An Act to Encourage the Use of Electronic Voting Systems by Municipalities. (H. P. 382) (L. D. 491)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

An Act Enlarging the Territorial Limits of Hampden Water District and Changing the time of the Election of the Trustees of Hampden Water District. (H. P. 390) (L. D. 500)

An Act Extending Water Service of Kennebunk, Kennebunkport and Wells Water District to Town of Arundel. (H. P. 392) (L. D. 502)

An Act Permitting the Commitment of Girls from Stevens Training Center to Half - Way House. (H. P. 429) (L. D. 553)

An Act Relating to the Transportation of Prisoners to and from Court and Between Institutions by Order of Court. (H. P. 466) (L. D. 603)

An Act to Make Ballot Tampering a Felony. (H. P. 467) (L. D. 604)

An Act Amending the Charter of Boothbay - Boothbay Harbor Community School District. (H. P. 655) (L. D. 806)

An Act to Provide that Motor Vehicle Operators' Licenses be Issued on a Staggered Basis of Odd and Even Birth Years. (H. P. 754) (L. D. 886)

(On motion by Mr. Barnes of Aroostook, tabled and specially

assigned for Tuesday, March 11, pending Enactment.)

Which, except for the tabled matters, were Passed to be Enacted and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON of Hancock: Mr. President and Members of the Senate: In regard to An Act To Encourage the Use of Electronic Voting Systems by Municipalities, (H. P. 382) (L. D. 491), in debate in the Senate a few days ago the merits of these voting machines were extolled. Well, that is not the issue.

This bill has a price tag attached to it of \$80,000, and I do not think that the State of Maine should subsidize mechanical gadgets for municipalities. And I firmly believe that this will create a new bureau. You can see over the years, the last fifteen years, how little things like this have started, and what a mess it has put us into today. We are now, as I stated before, in the real estate business and in the TV business, and I do not think that we should go into the banking business.

Mr. President, I move indefinite postponement of this L. D., and when the vote is taken I move it be taken by the "Yeas" and "Nays."

The PRESIDENT: The Senator from Hancock, Senator Anderson, moves that Legislative Document 491, an Act to Encourage the Use of Electronic Voting Systems by Municipalities, be indefinitely postponed.

The Chair recognizes the Senator from Cumberland, Senator Berry.

Mr. BERRY of Cumberland: Mr. President and Members of the Senate: The statement by my good friend, Senator Anderson from Hancock, that a new bureau would be created was made by him in the debate on the question and it was answered by myself, and I will do it again, that there is no new bureau created by this L.D. The act is merely for financial assistance.

I can assure the good Senator that, if he hadn't stood up and asked that this be set aside, the good Senator from Penobscot, Senator Sewall, would have placed it on the Appropriations Table where it belongs.

The Act provides that the municipalities involved, if they wish, shall purchase the electronic voting machines and that the State will reimburse them for half the cost. This will be done through the Bureau of Purchases and will require no new bodies, no new set-up, and is merely giving assistance to the communities in the State.

The question is purely one of finance, and this is something that leadership and the Appropriations Committee can decide. I would hope you will vote against the motion of my good friend, Senator Anderson.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President, a point of information: Would you state the question, please?

The PRESIDENT: The question is on the motion of the Senator from Hancock, Senator Anderson, that Item 8-20, An Act to Encourage the Use of Electronic Voting Systems by Municipalities, be indefinitely postponed.

A roll call has been requested. In order for the Chair to order a roll call, under the Constitution, it requires the affirmative vote of at least one-fifth of those members present. All those Senators in favor of a roll call will rise and remain standing until counted.

Obviously more than one - fifth having arisen, a roll call is ordered.

The Chair will state the motion again. The question is on the motion of the Senator from Hancock, Senator Anderson, to indefinitely postpone Item 8-20, Legislative Document 491. All those in favor of indefinite postponement will vote "Yes"; those opposed will vote "No."

The Secretary will call the roll.

Roll Call

YEAS: Senators Anderson, Bernard, Dunn, Duquette, Greeley,

Hanson, Letourneau, Martin, Mills, Minkowsky, Moore, Sewall, Tanous, Wyman, and President MacLeod.

NAYS: Senators Barnes, Berry, Boisvert, Cianchette, Conley, Gordon, Hoffses, Katz, Kellam, Levine, Logan, Peabody, Quinn, Reed, Stuart, and Violette.

ABSENT: Senator Beliveau.

A roll call was had. Fifteen Senators having voted in the affirmative, and sixteen Senators having voted in the negative, the motion did not prevail.

Thereupon, on motion by Mr. Sewall of Penobscot, the Bill was placed on the Special Appropriations Table.

(On motion by Mr. Katz of Kennebec, Senate in recess, pending the sound of the bell.)

Called to order by the Secretary.

On motion by Mr. Katz of Kennebec, the Senate voted that Mr. Berry of Cumberland serve as President pro tem for the remainder of today's session.

Thereupon, the Sergeant - at - Arms escorted Mr. Berry to the rostrum where he assumed the duties of President pro tem.

Resolve, Authorizing Germaine P. Guerette and Edmund Guerette to Bring Action Against the State of Maine. (S. P. 108) (L. D. 319)

Resolve, Authorizing Conveyance of State Land to the City of Bangor. (S. P. 147) (L. D. 428)

Resolve, Reimbursing Mars Hill Utility District for Bonds Issued for Sewer Construction. (H. P. 113) (L. D. 129)

(On motion by Mr. Sewall of Penobscot, placed on the Special Appropriations Table.)

Which, except for the tabled matter, were Finally Passed and, having been signed by the President, were by the Secretary presented to the Governor for his approval.

Emergency

An Act Relating to Entrances on Liquor Licensed Premises. (S. P. 212) (L. D. 622)

This being an emergency measure and having received the affirmative votes of 28 members of the Senate, was Passed to be

Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act Relating to Date of Town Meeting of Town of Fort Fairfield. (H. P. 140) (L. D. 162)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act Increasing Borrowing Capacity of Mars Hill Utility District. (H. P. 241) (L. D. 296)

This being an emergency measure and having received the affirmative votes of 27 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Emergency

An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 22. (H. P. 375) (L. D. 484)

This being an emergency measure and having received the affirmative votes of 26 members of the Senate, was Passed to be Enacted and, having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President pro tem laid before the Senate the first tabled and specially assigned matter:

Bill, "An Act Providing for an Additional District Court Judge at Large." (S. P. 64) (L. D. 186)

Tabled — February 27, 1969 by Senator Minkowsky of Androscoggin.

Pending — Enactment.

Mr. Minkowsky of Androscoggin moved the pending question.

Thereupon, the Bill was Passed to be Enacted and, having been signed by the President, was by

the Secretary presented to the Governor for his approval.

The President pro tem laid before the Senate the second tabled and specially assigned matter:

Bill, "An Act Relating to Taking Smelts for Bait Purposes." (H. P. 235) (L. D. 291)

Tabled — February 27, 1969 by Senator Hoffses of Knox.

Pending — Passage to be Engrossed.

On motion by Mr. Hoffses of Knox, the Bill and accompanying papers were Indefinitely Postponed in non-concurrence.

Sent down for concurrence.

(See action later in today's session.)

The President pro tem laid before the Senate the third tabled and specially assigned matter:

Bill, "An Act Increasing Entry Fee Under Small Claims Law." (S. P. 90) (L. D. 252)

Tabled — February 27, 1969 by Senator Minkowsky of Androscoggin.

Pending — Motion by Senator Mills of Franklin to Indefinitely Postpone Bill and Report.

The PRESIDENT pro tem: The Chair recognizes the Senator from Franklin, Senator Mills.

Mr. MILLS of Franklin: Mr. President and Members of the Senate: There is another measure before the Legislature, now in committee, which would do exactly what this bill asks to have done, that is, increase the fee. It would also increase the jurisdiction in small claims to \$150, where is it now \$100.

So, if this does develop as a good thing to do, it can still be done under that other bill, and I would request that the pending question, which is my motion for indefinite postponement, be put at this time.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: Since there is other legislation pending in this matter, and I have been assured that the fee schedule will be taken up in relation to the other aspects of the small claims system, I would have

no objection to the indefinite postponement of this particular measure.

The PRESIDENT pro tem: The question before the Senate is the motion of the Senator from Franklin, Senator Mills, that the bill and report be indefinitely postponed.

Is this the pleasure of the Senate?

The motion prevailed and the Bill and accompanying papers were Indefinitely Postponed.

Sent down for concurrence.

The President pro tem laid before the Senate the fourth tabled and specially assigned matter:

Bill, "An Act Establishing the Quality Rating of Gasoline." (S. P. 328) Tabled — March 4, 1969 by Senator Katz of Kennebec.

Pending — Reference.

On motion by Mr. Katz of Kennebec, referred to the Committee on Business Legislation and Ordered Printed.

Sent down for concurrence.

The President pro tem laid before the Senate the fifth tabled and specially assigned matter:

Bill, "An Act Relating to Non-profit Hospital or Medical Service Organizations." (H. P. 808) (L. D. 1047)

Tabled — March 4, 1969 by Senator Katz of Kennebec.

Pending — Reference.

On motion by Mr. Katz of Kennebec, referred to the Committee on Business Legislation and Ordered Printed in non - concurrence.

Sent down for concurrence.

On motion by Mr. Logan of York the Senate voted to reconsider its action of earlier in today's session whereby Bill, "An Act Relating to Taking Smelts for Bait Purposes" (H. P. 235) (L. D. 291), was Indefinitely Postponed.

The PRESIDENT pro tem: The Chair recognizes the Senator from York, Senator Logan.

Mr. LOGAN of York: Mr. President and Members of the Senate: I am a little nervous about the overturning of the entire legislative process, without any discussion, in a single, swift stroke. I have no particular feeling for the bill one way or the other, but I do believe

that this body should be allowed at least one day to consider the matter a little bit and, hopefully, there will be another sympathetic soul here who will table this until the next legislative day.

Thereupon, on motion by Mr. Martin of Piscataquis, the Bill was tabled and tomorrow assigned, pending Passage to be Engrossed.

On motion by Mr. Katz of Kennebec, the Senate voted to take from the table the fourth tabled and unassigned matter:

Resolve, Authorizing Attorney General to Convey Interest of the State in Certain Lands in Cumberland County." (S. P. 25) (L. D. 53)

Tabled — February 13, 1969 by Senator Katz of Kennebec.

Pending — Final Passage.

The PRESIDENT pro tem: The Chair recognizes the Senator from Cumberland, Senator Kellam.

Mr. KELLAM of Cumberland: Mr. President and Members of the Senate: An apprehension arose in relation to this Resolve by the Attorney General's Department just prior to its final passage, and that apprehension being in relation to the emergency feature of the Resolve. Consequently, I believe it is probably best for all concerned to remove the emergency clause and, consequently, I would move that the Senate reconsider its action whereby the Resolve was passed to be engrossed, for the purpose of offering an amendment.

Thereupon, under suspension of the rules, the Senate voted to reconsider its action whereby the Resolve was Passed to be Engrossed.

The same Senator then presented Senate Amendment "A" and moved its adoption.

Senate Amendment "A", Filing No. S-24, was Read and Adopted and the Resolve, as Amended, Passed to be Engrossed in non - concurrence.

Sent down for concurrence.

On motion by Mr. Stuart of Cumberland, the Senate voted to take from the table the tenth tabled and unassigned matter:

HOUSE REPORT — Ought Not to Pass from the Committee on Health and Institutional Services on Bill, "An Act Relating to Funeral Expenses of Recipients of Public Assistance." (H. P. 463) (L. D. 600)

Tabled — February 27, 1969 by Senator Stuart of Cumberland.

Pending — Acceptance of Report.

The same Senator then moved the pending question.

The PRESIDENT pro tem: The Secretary will read the status of the Bill.

The SECRETARY: The Committee on Health and Institutional Services reports that the Bill Ought not to Pass. In the House, on February 26, 1969, the Report was read and accepted. In the Senate, February 27, 1969, tabled by the Senator from Cumberland, Senator Stuart, pending acceptance of the report.

Thereupon, the Ought Not to Pass Report of the Committee was accepted in concurrence.

The PRESIDENT pro tem: The Chair is proceeding under Orders of the Day.

The Senate is very privileged to have in the chamber today the newly elected Chancellor of the University of Maine, Dr. Donald McNeil. The Chair has prevailed on him to step to the rostrum to say a few words, which I am sure are unanticipated on his part, but this is the beginning of a milestone in the educational history of the State.

The Chair will ask the Sergeant - at - Arms to escort Dr. McNeil to the rostrum to say a word.

Thereupon, the Sergeant - at - Arms escorted Dr. Donald McNeil to the rostrum amid the applause of the Senate Chamber, the members rising.

Dr. McNEIL: Mr. Chairman, it is an unexpected pleasure, and I assume the reason Mr. Berry has requested this appearance is so that you can put a face on the name that you have been reading so much about in the State.

We arrived last Thursday in a snowstorm and suffered one since then. Despite all the initial problems we seem to be having in com-

ing to the State of Maine, I do want to assure this group that my wife and I are very pleased to be here.

As I told some of you that are on the Appropriations Committee, the State of Maine has organized a system of higher education that is unique in the country. It is to this challenge that I responded from my position at Wisconsin. It is one of the most unusual laws in existence in the country. It makes it possible, we hope, in the years to come to provide additional educational opportunity in a coordinated, well thought out, planned way. This is what we on my staff, and the Presidents of the Institutions, are going to dedicate ourselves to in the years ahead.

I would like to say one other thing because I believe that it is one of the first policies that I have laid down as Chancellor of the University of Maine since formally taking up my duties this Monday, now being on the third day of the job. It is that I realize, and our staff realizes, that there must be cooperation on the part of the University in bringing to the Senate and to the House the information needed for you to help us make judgments in financing higher education in this State. I have told all of my staff who will have dealings with you, and I feel it deeply myself, that we simply must cooperate with the Legislature. We hope that this spirit of cooperation in providing as much detail as you need to know about programing of the University of Maine will bring us a happiness which apparently we have not had in years past.

I would like to say also, because remarks such as this imply sometimes a bit of criticism, that I uphold the past activities of both the old University of Maine, the State colleges, and the State Legislature in what they have done for higher education. I think that, considering the resources and considering the talents that we have at the University of Maine, a good job has been done over the years, but we know that it is happening in every state that, even when legislators have responded to the educational needs

and educators have tried to bring additional opportunity to more people, that there are still great numbers of students in every state that have not had an opportunity to reach their potential.

I think that great days lie ahead for you and for me and my staff as we work together for higher education for all of the people in the State of Maine. Thank you very much.

Thereupon, the Sergeant - at - Arms escorted Dr. Donald McNeil from the rostrum amid the applause of the Senate Chamber, the members rising.

Mr. Katz of Kennebec was granted unanimous consent to address the Senate.

Mr. KATZ: Mr. President and Members of the Senate: In years gone by there has been tension between those in the Legislature who felt the University was almost a power unto itself and not responsive to either the desires of the Legislature for information or the desires of the Legislature to operate in a responsible manner with the appropriation of funds for the University.

I would like to tell the Senate today that since the first turbulent days when Dr. McNeil assumed partial responsibilities of his office in January I have sensed a completely different attitude of the University towards legislative responsibilities. In particular, I want you to know, that in budgetary matters the Legislature this year has a wealth of information never before available to it. And I sense under Dr. McNeil a sense of partnership that can only result in responsible and responsive action, interaction, between the University and the Legislature.

I have tremendous confidence that the Trustees have made an incredibly wise choice, and I feel that we are very, very fortunate that Dr. McNeil has agreed to come to Maine, and I predict that by the time this legislative session is over that the Legislature will share this opinion.

(Off Record Remarks)

On motion by Mr. Hoffses of Knox,

Adjourned until 1:30 p.m. tomorrow afternoon.